

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: **CHAIRMAN JOHN ESP**, on January 16, 2009 at
3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Ron Erickson (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Gregory D. Barkus (R)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 34, 1/7/2009; SB 109, 1/8/2009

Executive Action: SB 6, SB 9, SB 98

00:00:36 In accordance with S 30-40 (2), Chairman Esp called a quorum with Sen. Peterson being present.

00:00:56 Sen. Barkus arrived and with a quorum of the committee present, the hearing began.

HEARING ON SB 109

Opening Statement by Sponsor:

00:01:25 SEN. BOB HAWKS (D), SD 33, opened the hearing on SB 109, Restriction on outdoor lighting.
[EXHIBIT\(los10a01\)](#)

Proponents' Testimony:

00:10:20 Maureen Weiland, representing Associated Student Body of Montana State University (MSU), Bozeman
00:10:56 Joseph Shaw, Director Optical Technology Center, MSU
00:15:29 Sheena Rice, Montana Public Interest Research Group (MontPIRG)
00:16:43 Ivie English, student, MSU speaking for Dr. Hugo Schmidt and Dr. William A. Hiscock, both professors from MSU

[EXHIBIT\(los10a02\)](#)

[EXHIBIT\(los10a03\)](#)

00:17:26 Ashley Oliverio, Helena

Opponents' Testimony:

00:20:23 John Fitzpatrick, NorthWestern Energy

[EXHIBIT\(los10a04\)](#)

00:24:22 Doug Hardy, representing Montana Electric Cooperatives' Association

00:24:54 Brad Griffin, representing Montana Retail Association

00:25:23 Dave Galt, Executive Director, Montana Petroleum Association

00:26:08 David Hoffman, Director, External Affairs, PPL Montana, LLC

[EXHIBIT\(los10a05\)](#)

00:27:24 Barbara Ranf, representing Burlington Northern Santa Fe Railway Company (BNSF)

00:28:35 Ronda Wiggers, representing Great Falls Chamber of Commerce and Helena Chamber of Commerce

00:29:34 Mike Murphy, representing Montana Water Resources Association (MWRA)

00:30:30 Tom Ebzery, attorney, Billings, representing Montana Airport Management Association

00:31:54 Bruce Spencer, representing Montana Automobile Dealers Association

Opponents' Testimony: (con't)

00:32:55 Jon Bennion, representing Montana Chamber of Commerce

00:33:39 Cory Swanson, representing Plum Creek Timber and Corrections Corporation of America

00:35:01 Rick McAlmond, Lamar Outdoor Advertising, Helena

00:36:18 Ralph G. Fleck, Business Development Director, Yesco Outdoor Media, Helena

EXHIBIT (los10a06)

00:38:50 Jay Hart, Train Master, Montana Rail Link, Helena

Informational Testimony:

00:40:25 D. John Blacker, Deputy Director, Department of Transportation

Questions from Committee Members and Responses:

00:41:03 Sen. Barkus

00:41:46 Sen. Hawks

00:45:32 Sen. Essmann

00:46:40 Sen. Hawks

00:48:20 Chairman Esp

00:48:33 Sen. Hawks

Closing by Sponsor:

00:48:59 Sen. Hawks

00:52:53 Recess

00:54:27 Reconvene

HEARING ON SB 34

Opening Statement by Sponsor:

00:54:44 **SEN. DAVE LEWIS (R), SD 42**, opened the hearing on **SB 34**, Extend boundary of community decay ordinances for fuel treatment.

Proponents' Testimony:

01:00:16 Richard Van Auken, Fire Chief, Teton County also
speaking for Teton County Commissioners
01:02:52 L. Harold Blattie, Executive Director, Montana
Association of Counties, (MACo) also speaking for
Missoula County
01:04:25 Jason Todhunter, Montana Logging Association also
speaking for Ellen Simpson, Montana Wood Products
Association

Opponents' Testimony:

01:06:55 None

Informational Testimony:

01:07:01 None

Questions from Committee Members and Responses:

01:07:07 Sen. Erickson
01:07:38 Sen. Lewis
01:09:05 Sen. Erickson
01:10:28 Sen. Lewis
01:11:26 Sen. Erickson
01:11:53 L. Harold Blattie, MACo
01:14:55 Sen. Erickson
01:15:48 Sen. Tutvedt
01:16:44 Sen. Lewis
01:19:23 Sen. Essmann
01:20:56 Sen. Lewis

Closing by Sponsor:

01:21:47 Sen. Lewis

01:23:50 Recess

01:33:40 Reconvene

EXECUTIVE ACTION ON SB 98

01:34:19 **Motion:** Sen. Essmann moved that **SB 98 DO PASS.**

01:34:30 **Motion:** Sen. Essmann moved that **SB 98 BE AMENDED.**
EXHIBIT(los10a07)

Discussion:

01:35:02 Chairman Esp

01:36:07 Sen. Barkus

01:36:20 Chairman Esp

01:36:40 **Vote:** Motion carried unanimously by voice vote with
Sens. Gallus and Laslovich voting by proxy.

01:37:04 **Motion/Vote:** Sen. Essmann moved that **SB 98 DO PASS AS
AMENDED.** Motion carried unanimously by voice vote with
Sens. Gallus and Laslovich voting by proxy.

EXECUTIVE ACTION ON SB 6

01:37:54 **Motion:** Sen. Erickson moved that **SB 6 DO PASS.**

Discussion:

01:38:19 Sen. Erickson

01:39:44 Sen. Gillan

01:40:17 Sen. Erickson

01:40:36 Leanne Heisel, Legislative Services Division (LSD)

01:40:52 Jon Dilliard, Bureau Chief, Public Water Supply and
Subdivisions Bureau, Department of Environmental
Quality (DEQ)

01:42:59 Sen. Barkus

01:43:47 **Substitute Motion/Vote:** Sen. Barkus made a substitute
motion that **SB 6 BE TABLED.** Substitute motion carried
5-4 by roll call vote with Sens. Erickson, Gallus,
Gillan, and Laslovich voting no and Sens. Gallus and
Laslovich voting by proxy.

EXECUTIVE ACTION ON SB 9

01:45:21 **Motion:** Sen. Erickson moved that **SB 9 DO PASS.**

Discussion:

01:45:29 Sen. Erickson
01:50:07 Chairman Esp
01:50:48 Sen. Erickson
01:52:27 Chairman Esp
01:52:51 Sen. Erickson
01:53:17 Sen. Gillan
01:54:41 Sen. Erickson
01:55:25 Sen. Barkus
01:56:03 Sen. Erickson
01:56:18 Sen. Gillan
01:56:44 Leanne Heisel, LSD
01:57:25 Sen. Erickson

01:58:14 **Vote:** Motion **SB 9** failed 4-5 by roll call vote with Sens. Erickson, Gallus, Gillan, and Laslovich voting aye and Sens. Gallus and Laslovich voting by proxy.

01:58:58 **Substitute Motion/Vote:** SEN. ESSMANN made a substitute motion that **SB 9 BE TABLED.** Substitute motion carried unanimously by voice vote with Sens. Gallus and Laslovich voting by proxy.

ADJOURNMENT

Adjournment: 5:10 P.M.

DEBRA POLHEMUS, Secretary

dp

Additional Documents:

EXHIBIT ([los10aad.pdf](#))